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March 11, 2004

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The Honorable John Ashcroft  
Attorney General  
United States Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530

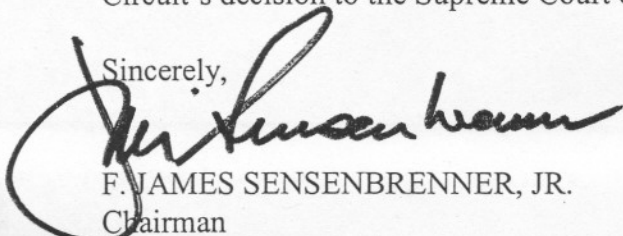
Dear Attorney General Ashcroft:

We are writing to you regarding *USTA v. FCC*, which was decided by the D.C. Circuit Court of Appeals on March 2, 2004. The decision raises questions of great public importance and could cause potential disruption of the nation's phone service.

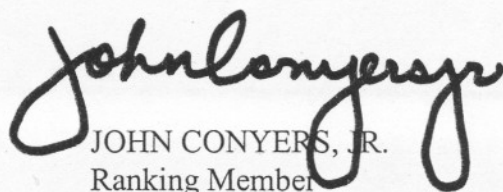
The Telecommunications Act of 1996 has brought an unprecedented level of competition to the telecommunications field. The 1996 Act permitted the Bell companies to compete in the long distance market if the Bells opened their own local markets to competition. If access to the Bell companies' local networks is no longer available – a result that this decision threatens – millions of Americans will lose the ability to purchase service from the local telephone provider of their choice.

The appeal court's decision raises a host of questions concerning the continued applicability of the market-opening provisions of the Telecommunications Act. Furthermore, the decision raises substantial questions concerning the continued application of well-established principles of administrative law and procedure, including those pertaining to federal-state relations. Because these questions are of such vital importance to the nation's phone service consumers, we firmly believe that they should be definitively decided by the nation's highest court. As a result, we strongly encourage the Department of Justice to support the FCC's motion to stay and to appeal the D.C. Circuit's decision to the Supreme Court of the United States.

Sincerely,



F. JAMES SENSENBRENNER, JR.  
Chairman



JOHN CONYERS, JR.  
Ranking Member

CC. The Honorable Theodore Olson  
The Honorable R. Hewitt Pate

FJS/rt